



OFFICE OF THE POLICE COMMISSIONER
ONE POLICE PLAZA • ROOM 1400

September 9, 2010

Memorandum for:

Deputy Commissioner, Trials

Re:

CHAN

Police Officer Darryl Carr
Tax Registry No. 933558
Housing Borough Bronx/Queens
Disciplinary Case No. 83230/07

The above named member of the service appeared before Deputy Commissioner Martin G. Karopkin on April 26, 2010 and was charged with the following:

DISCIPLINARY CASE NO. 83230/07

1. Said Police Officer Darryl Carr, while assigned to the 73rd Precinct, on or about July 22, 2007, in or about a location known to the Department in Brooklyn, New York, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer Carr wrongfully slapped another member of the service. *(As amended)*

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT - PROHIBITED CONDUCT - GENERAL REGULATIONS

2. Said Police Officer Darryl Carr, while assigned to the 73rd Precinct, on or about July 22, 2007, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer Carr wrongfully and falsely reported to the Internal Affairs Command Center that another member of the service, along with another individual known to the Department, had been selling narcotics from said other members homes, and that said other individual had displayed a firearm during a drug-related transaction. *(As amended)*

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT - PROHIBITED CONDUCT - GENERAL REGULATIONS

3. Said Police Officer Darryl Carr, while assigned to the 73rd Precinct, on or about July 23, 2007, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer Carr wrongfully impeded an official Department investigation by stating, during an official Department interview, conducted pursuant to the provisions of Patrol Guide Section 206-13, that he had not made a report to the Internal Affairs Command Center on July 23, 2007, in which said Police Officer Carr had alleged that another member of service was involved in drug-related transactions at her home when, in fact, he had.

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT - PROHIBITED CONDUCT - GENERAL REGULATIONS

4. Said Police Officer Darryl Carr, while assigned to the 73rd Precinct, on or about July 23, 2007, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer Carr wrongfully impeded an official Department investigation by stating, during an official Department interview, conducted pursuant to the provisions of Patrol Guide Section 206-13, that he had not been present at the Kings County residence of another uniformed member of the service, known to the Department, on July 22, 2007 when, in fact, he had. (As amended)

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT - PROHIBITED CONDUCT - GENERAL REGULATIONS

5. Said Police Officer Darryl Carr, while assigned to Viper Unit #8, on or about and between December 31, 2007 and January 22, 2007, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer Carr, with intent to harass, annoy, threaten, or alarm an individual known to the Department, did communicate with said individual, anonymously or otherwise, by telephone, or by any other form of written communication, in a manner likely to cause annoyance or alarm. (As amended)

P.G. 203-10, Page 1, Paragraph 5

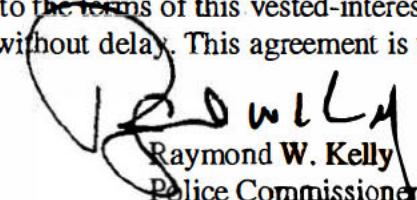
PUBLIC CONTACT - PROHIBITED CONDUCT - GENERAL REGULATIONS

In a Memorandum dated June 9, 2010, Deputy Commissioner Karopkin accepted the Respondent's Pleading Guilty to Specification Nos. 2, 3, 4 and 5, and found the Respondent Guilty of Specification No. 1. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

The findings of guilt involving Respondent Carr concern very serious issues and are problematic regarding his ability to remain a viable member of this Department. Thus, I find that his immediate separation from the Department is required. Although Deputy Commissioner Karopkin recommended a summary dismissal of Respondent Carr, I will permit an alternative manner of separation from the Department at this time, as the most egregious acts of misconduct here occurred as a result of one incident, and Respondent Carr has an otherwise good service history.

Therefore, it is directed that a post-trial vested-interest retirement agreement be implemented with Respondent Carr. In consideration of such, Respondent Carr is to remain, and to separate from the Department, on a continued suspended duty status. Respondent Carr is to also forfeit all suspension days (*with and without pay*) since served and to be served, including forfeiting all accrued leave and time balances. A One-Year Dismissal Probation period will also be imposed.

Such vested-interest retirement shall also include Respondent Carr's written agreement to not initiate any administrative applications or judicial proceedings against the New York City Police Department, including seeking reinstatement or return to the Department. If Respondent Carr does not agree to the terms of this vested-interest retirement as noted, this Office is to be notified without delay. This agreement is to be implemented **IMMEDIATELY**.



Raymond W. Kelly
Police Commissioner



POLICE DEPARTMENT

The
City
of
New York

-----X-----
In the Matter of the Disciplinary Proceedings :
- against - : FINAL
Police Officer Darryl Carr : ORDER
Tax Registry No. 933558 : OF
Housing Borough Bronx/Queens : DISMISSAL
-----X-----

Police Officer Darryl Carr, Tax Registry No. 933558, Shield No. 7705, Social Security No. ending in [REDACTED] having been served with written notice, has been tried on written Charges and Specifications numbered 83230/07, as set forth on form P.D. 468-121, dated April 7, 2008, and after a review of the entire record, Respondent Carr having pled guilty is found Guilty of Specification Nos. 2, 3, 4 and 5. Respondent Carr is found Guilty of Specification No. 1.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Police Officer Darryl Carr from the Police Service of the City of New York.

RAYMOND W. KELLY
POLICE COMMISSIONER

EFFECTIVE:

COURTESY • PROFESSIONALISM • RESPECT



POLICE DEPARTMENT

June 9, 2010

In the Matter of the Charges and Specifications : Case No. 83230/07

- against -

Police Officer Darryl Carr

Tax Registry No. 933558

Housing Borough Bronx/Queens

At: Police Headquarters
One Police Plaza
New York, New York 10038

Before: Honorable Martin G. Karopkin
Deputy Commissioner - Trials

APPEARANCE:

For the Department: David H. Green, Esq.
Department Advocate's Office
One Police Plaza
New York, New York 10038

For the Respondent: David M. White, Esq.
White & Associates, P.C.
233 Broadway, 18th Floor
New York, New York 10279

To:

HONORABLE RAYMOND W. KELLY
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NEW YORK 10038

COURTESY • PROFESSIONALISM • RESPECT



POLICE DEPARTMENT

June 9, 2010

-----X
In the Matter of the Charges and Specifications : Case Nos.
- against - : 83219/07 & 85302/09
Police Officer Charlene Salmons :
Tax Registry No. 907248 :
Housing Borough Manhattan :
-----X

At: Police Headquarters
One Police Plaza
New York, New York 10038

Before: Honorable Martin G. Karopkin
Deputy Commissioner - Trials

A P P E A R A N C E:

For the Department: David H. Green, Esq.
Department Advocate's Office
One Police Plaza
New York, New York 10038

For the Respondent: Michael Martinez, Esq.
Worth, Longworth & London, LLP
111 John Street – Suite 640
New York, NY 10038

To:

HONORABLE RAYMOND W. KELLY
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NEW YORK 10038

COURTESY • PROFESSIONALISM • RESPECT

The above-named members of the Department appeared before me on April 26, April 27 and April 30, 2010 charged with the following:

Disciplinary Case No. 83219/07

1. Said Police Officer Charlene Salmons, while assigned to the 70th Precinct, on or about and between April 2007 and July 23, 2007, did wrongfully and without just cause knowingly associate with a person reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities, in that said Police Officer Salmons maintained a "dating" relationship with an individual known to the Department, while aware that said individual had been arrested and convicted of one or more drug-related offenses.

P.G. 203-10 Page 1, Paragraph 2(c) – PUBLIC CONTACT – PROHIBITED CONDUCT – GENERAL REGULATIONS

2. Said Police Officer Charlene Salmons, while assigned to the 70th Precinct, on or about July 23, 2007, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer Salmons wrongfully impeded an official Department investigation by stating, during an official Department interview, conducted pursuant to the provisions of Patrol Guide Section 206-13, that she had no conversation with her boyfriend on July 23, 2007 regarding an incident which occurred on July 22, 2007 at said Police Officer Salmon's residence when, in fact, she had.

P.G. 203-10 Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONDUCT – GENERAL REGULATIONS

Disciplinary Case No. 85302/09

1. Said Police Officer Charlene Salmons, while assigned to Housing Bureau Manhattan, on or about and between June 23, 2008 and June 27, 2008, having been aware of an investigation concerning an allegation of misconduct against said Police Officer being conducted by the Administration for Children's Services, wrongfully did fail and neglect to inform the Internal Affairs Bureau, Command Center, or otherwise to notify the Department, as required.

P.G. 207-21 Page 1, Paragraph 1 – ALLEGATIONS OF CORRUPTION AND SERIOUS MISCONDUCT AGAINST MEMBERS OF THE SERVICE COMPLAINTS

Disciplinary Case No. 83230/07

1. Said Police Darryl Carr, while assigned to the 73rd Precinct, on or about July 22, 2007, in or about a location known to the Department in Brooklyn, New York, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer Carr wrongfully slapped another member of the service. *(As amended)*

P.G. 203 – 10, Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONDUCT – GENERAL REGULATIONS

2. Said Police Officer Darryl Carr, while assigned to the 73rd Precinct, on or about July 22, 2007, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer Carr wrongfully and falsely reported to the Internal Affairs Command Center that another member of the service, along with another individual known to the Department, had been selling narcotics from said other members home, and that said other individual had displayed a firearm during a drug-related transaction. *(As amended)*

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONDUCT – GENERAL REGULATIONS

3. Said Police Officer Darryl Carr, while assigned to the 73rd Precinct, on or about July 23, 2007, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer Carr wrongfully impeded an official Department investigation by stating, during an official Department interview, conducted pursuant to the provisions of Patrol Guide Section 206-13, that he had not made a report to the Internal Affairs Command Center on July 23, 2007, in which said Police Officer Carr had alleged that another member of service was involved in drug-related transactions at her home when, in fact, he had.

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONDUCT – GENERAL REGULATIONS

4. Said Police Officer Darryl Carr, while assigned to the 73rd Precinct, on or about July 23, 2007, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer Carr wrongfully impeded an official Department investigation by stating, during an official Department interview, conducted pursuant to the provisions of Patrol Guide Section 206-13, that he had not been present at the Kings County residence of another uniformed member of the service, known to the Department, on July 22, 2007 when, in fact, he had. *(As amended)*

P.G. 203-10 Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONDUCT – GENERAL REGULATIONS

5. Said Police Officer Darryl Carr, while assigned to Viper Unit # 8, on or about and between December 31, 2007 and January 22, 2007, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer Carr, with intent to harass, annoy, threaten, or alarm an individual known to the Department, did communicate with said individual, anonymously or otherwise, be telephone, or by any other form of written communication, in a manner likely to cause annoyance or alarm. *(As amended)*

P.G. 203-10 Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONDUCT – GENERAL REGULATIONS

The Department was represented by David Green, Esq., Department Advocate's Office. Respondent Salmons was represented by Michael Martinez, Esq., and Respondent Carr was represented by David White, Esq.

Respondent Salmons, through her counsel, entered a plea of Not Guilty to the subject charges.

Respondent Carr, through his counsel, entered a plea of Not Guilty to Specification No. 1. Respondent Carr entered a plea of Guilty to Specification Nos. 2, 3, 4 and 5.

A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Under Disciplinary Case No. 83230/07, Respondent Carr having pled guilty is found Guilty of Specification Nos. 2, 3, 4 and 5. Respondent Carr is found Guilty of Specification No. 1.

Under Disciplinary Case No. 83219/07, Respondent Salmons is found Not Guilty of Specification Nos. 1 and 2. Under Disciplinary Case No 85302/09, it is recommended that the single specification therein be Dismissed.

INTRODUCTION

The two Respondents in this case are in some sense and to some degree cross-complainants. Without question they had an interpersonal relationship that did not work. Most of the charges relate to an incident that started on July 22, 2007. On that day Respondent Carr went to the home of Respondent Salmons uninvited and unannounced. The door was answered by Respondent Salmons' new boyfriend, [REDACTED], who was wearing pajama pants that had been a gift from, or had belonged to, Respondent Carr.

Respondent Salmons claims that when she got to the door [REDACTED] left the area after which Respondent Carr slapped her hard two times on the face. She said he went down the stairs and then turned around and started to return, so she closed the door. Respondent Carr then left the area. Respondent Carr, who has admitted to all of the other specifications against him, denies slapping Respondent Salmons (Specification No. 1).

Respondent Salmons immediately called 911 and reported the two alleged slaps. [REDACTED] went out to the store and returned while police officers responding to Respondent Salmons' call were at the scene. Both Respondent Salmon and [REDACTED] went to the 67 Precinct voluntarily to press the complaint against Respondent Carr.

Respondent Carr made several harassing calls to Respondent Salmons after the alleged slapping incident and while he was yelling at her on the telephone a responding

sergeant took the phone and told him to go to the 67 Precinct, presumably as the subject of an aggravated harassment investigation.

At the precinct, Respondent Carr falsely denied being at Respondent Salmons' home and offered an alibi which was also false. He also made a counterclaim about a non-existent incident that he claimed had occurred the night before in the parking lot of a movie theater involving [REDACTED] and Respondent Salmons.

Before interviewing [REDACTED], the investigators checked his criminal background and discovered that he had a prior conviction for the sale of narcotics in 1997 for which he received 5 years probation.

At some point, Respondent Carr left the precinct and went to a pay phone from which he called the Internal Affairs Bureau (IAB) Command Center. He anonymously reported that Respondent Salmon was dating a drug dealer, that she was dealing drugs out of her home and that her drug dealing boyfriend had threatened someone with a gun as part of a drug transaction and said that they were protected because his girlfriend was a cop. Respondent Carr has subsequently admitted that this call was a false (Specification No 2).

Investigators at IAB realized that the officer who was making the complaint was the same officer who was the subject of the anonymous phone call.

[REDACTED] was interviewed at about 2000 hours. At the interview, before being confronted with his prior record, [REDACTED] had claimed that he only had a prior marijuana infraction.

Respondent Salmons was the subject of an official Department interview which started at approximately 2230 hours on July 22, 2007 and lasted, in total, over an hour.

Answers given by Respondent Salmons at this interview are the subject of one of the specifications against her and will be discussed in detail later in this decision.

Respondent Salmons was suspended at the end of that interview. Respondent Salmons was also interviewed a second time at about 0230 hours.on July 23, 2007. That interview lasted about 20 minutes.

Respondent Carr was also the subject of two official Department interviews. The first began at about 25 minutes after midnight on July 23, 2007 and lasted about 45 minutes. The second interview commenced at about 0300 hours.and lasted about 25 minutes. During these interviews, Respondent Carr denied that he was at Respondent Salmons' home, denied and then admitted making the anonymous telephone call to IAB, denied that he said the things he said during that phone call, denied knowing about the pants and made various other false statements including a claim that he had met Respondent Salmons and [REDACTED] in a movie theater parking lot on the evening of July 21, 2007 (see Specification Nos. 3 and 4). Respondent Carr also admitted to sending harassing text messages to Respondent Salmons some months later (Specification No. 5).

This is the general background upon which most of the charges are based. Because Respondent Carr and Respondent Salmons appeared before this tribunal in various capacities, each took the stand several times. Respondent Carr entered a plea of guilty to Specification Nos. 2, 3, 4 and 5 in his case and then gave testimony in mitigation. Later in the proceeding, he testified in response to the single specification that he is challenging. Respondent Carr also testified near the end of the trial in rebuttal of testimony provided by Respondent Salmons.

Respondent Salmons first testified as a witness for the Department in relation to the single specification being contested by Respondent Carr. Later in the proceeding, she testified in response to the charges against her.

SUMMARY OF EVIDENCE PRESENTED

The Department's Case

The Department elicited testimony from Respondent Darryl Carr during his first turn on the witness stand in relation to the criminal association charge against his co-respondent. The Department also called Lieutenant Craig Nilsen and Respondent Charlene Salmons.

Respondent Darryl Carr

Respondent Carr is currently assigned to the PSA 9 VIPER Unit. He was appointed a police officer in January 2004 and after graduating from the Police Academy, he was assigned to the 73 Precinct. He said he has had 104 arrests in his career and had been the subject of four unsubstantiated Civilian Complaint Review Board complaints.

Respondent Carr said he first met Respondent Salmons in the summer of 2005. He was on patrol and after inquiring about a Department parking permit he saw in her car, he was told by Respondent Salmons that she was a PAA². He later found out that she was, in fact, at the time, a police officer with at least 10 years with the Department.

A dating relationship developed between the two Respondents and Respondent Carr considered Respondent Salmons to be his girlfriend. Around April 2006, he learned that Respondent Salmons was pregnant and she claimed that he was the father. She told

² Police administrative aide

him she [REDACTED]. Two months later, in June 2006, she again told him she was pregnant with his child, but [REDACTED]

In December 2006, Respondent Carr's mother was [REDACTED] [REDACTED]. He convinced her to take [REDACTED] but it did not prolong her life. Her condition "dramatically" worsened and her life was not saved. He blamed himself for convincing her to undergo [REDACTED].

Respondent Carr said his mother's failing health negatively impacted his relationship with Respondent Salmons. During the time period of December 2006 or January 2007, the Respondents argued over him not spending enough time with her. Their dating relationship ended on March 11, 2007 and his mother passed away the following day. Respondent Carr said that he and Respondent Salmons argued over the funeral arrangements for the whole week before his mother was buried and he finally told her that he did not want her to attend the funeral at all. On March 19, 2007, Respondent Salmons attended the memorial service for Respondent Carr's mother. He found this "disturbing" because he had asked her not to come.

On May 16, 2007, Respondent Carr received two e-mails from Respondent Salmons [Carr Respondent Exhibit (Carr RX) A]. One stated, "Here is a friendly kiss," and the other said she was "...playing with [her]self." Respondent Carr recognized the e-mail address as belonging to Respondent Salmons. They resumed a romantic relationship, and later that month, she informed him that she was again pregnant with his child. He said he pleaded with her to keep the baby, but a couple of days later he learned of her [REDACTED] [REDACTED] when she sent him a sonogram picture with a

text message that read, "On my way to [REDACTED]." He said he was "devastated" when she told him she [REDACTED], and they stopped talking for a while.

Around July 2007, the Respondents resumed social communications. Respondent Carr told Respondent Salmons that he wanted to mark her younger daughter's birthday by bringing over a gift. On July 22, 2007, he went to her house with a birthday balloon for her daughter and was met at the front door by a man he later learned was [REDACTED]

[REDACTED] He described [REDACTED] as about 6'2" or 6'1", much taller than he, and wearing a white T-shirt and his (Respondent Carr's) pajama pants and slippers. He said he had left the pajama pants and slippers at her house and what was remarkable about the pajama pants was that it had "number one dad" on it. He said he did not exchange words with [REDACTED], asked for Respondent Salmons, looked down and saw [REDACTED] in his pajama pants.

Respondent Carr said that on July 23, 2007, he was suspended for "over 30 days." Afterwards, he was placed on modified assignment and remains on modified duty status. He was directed to participate in a Department [REDACTED] and displayed a document that stated that he completed the [REDACTED] (Carr RX B). He said that while attending the [REDACTED] program, it was recommended that he undergo [REDACTED], and he did. He began treatment in 2009 with a licensed clinical social worker and continues treatment to this day. Additionally, he was evaluated by another [REDACTED] professional, Dr. Bardey, who performed a forensic evaluation of his [REDACTED] and rendered a report. He said since his treatment and evaluation, he has noticed changes in his [REDACTED] demeanor. He said the [REDACTED], along with the two [REDACTED] professionals, "...helped me understand what I was going through at

that time three years ago...helped with all the things that were going on, helped me see why everything was bottled up during the incident that happened."

The Respondent then said he made a mistake three years ago "and to this day I am paying for it." He said he understands that his actions were wrong and that he disgraced himself and the Department. He apologized for his actions and asked for "a second chance...to redeem myself..."

On cross-examination by the Assistant Department Advocate, Respondent Carr said that prior to going to Respondent Salmons' house on July 22, 2007, it had been a "month or two" since he last saw her and a "couple pf weeks" since they last spoke. He said they had discussed getting back together around the time she was going to abort the baby. He believed they had an exclusive relationship, up until he saw [REDACTED] wearing his pajama pants.

Respondent Carr recalled that a "couple of months" before his mother died, his car's tires were slashed in front of Respondent Salmons' residence. He said he was approaching her residence when he saw a man, who he later learned was [REDACTED] leaving her residence. He asked her who that was and she told him "that was some drug dealer she told to get away from her door." He said before his mother's death and "probably" around the time of the first [REDACTED], he and Respondent Salmons went shopping for an engagement ring. He said he never got to ask her to marry him and he never took the ring off layaway.

Respondent Carr said that on July 22, 2007 he went to Respondent Salmon's residence to give a balloon to her daughter, though he was not invited and went without being invited.

Respondent Carr agreed that when he reported to the 67 Precinct, he was there for 14 or 15 hours. He said that during that time, he was "devastated" to learn that Respondent Salmons had alleged that he hit her, when he knew that he did not. He had learned about her allegation that he slapped her at the precinct, and it upset him, made him angry and made him lie. He said he could not describe how it made him lie, "It was just something that came out." He said that during his official Department interview, he did not understand the questions on why he hit her.

Respondent Carr agreed that he was asked questions about whether he was at Respondent Salmon's residence on July 22, 2007. He admitted that he had lied during the interview and had insisted that he was not there. He said that he "panicked" and "got scared" because he thought that he was going to get arrested. He could not prove that he did not hit her and she and [REDACTED] could corroborate each other. He agreed that he lied because he was afraid that if he admitted to being at her residence, he would be arrested.

Respondent Carr also admitted that he lied and made up a story about meeting Respondent Salmons and [REDACTED] outside a movie theater and fabricated details about when he went there, what movie he was going to see and what movie may be playing there. He said he lied because he could not face the embarrassment of telling a room full of investigators that [REDACTED] was wearing his pajama pants.

He also admitted that while at the 67 Precinct waiting to be interviewed, he went outside and made an anonymous call on a pay phone to IAB. He made a false report that Respondent Salmons was selling drugs with her boyfriend out of her kitchen window, and that he knew this because he was outside that residence when a friend of his had tried to purchase drugs and was shortchanged with respect to the drugs. He also told IAB that

his friend went back to complain and was told by the drug dealer that his girlfriend was a cop and she was his protection, and that his friend saw the drug dealer in possession of a small black handgun.³ He denied that it was his intention to have an investigation lodged against her. Rather, he said he called IAB in an “attempt to get a log number” because he thought that Respondent Salmons was going to tell the Department that he was aware of her dealing with [REDACTED] and [REDACTED]’ activities, so that he could show the Department that he knew Respondent Salmons was associating with a drug dealer.

Respondent Carr agreed that he was asked during his official Department interview if he had made that phone call and agreed that during the interview, he initially denied being the caller, even when a recording of the phone call was played to him. He did not know how long his denials went on for, but he finally admitted that he was the caller. He also admitted that he denied saying that there was a gun at the residence, even though he heard his voice on the recording saying so.

He confirmed that after he left Respondent Salmons’ residence and before arriving at the 67 Precinct, he called Respondent Salmons’ cell phone and left a message referencing being at her residence and “screaming about seeing somebody else wearing those pants, those pajama bottoms...” He confirmed he also denied being at her residence during the interview because he “didn’t want to have to live with the embarrassment of the pants.”

Respondent Carr agreed that at the conclusion of the interview, he was directed to have no further contact with Respondent Salmons, although he did not recall hearing it.

³ It was stipulated that the time of the call Respondent Carr made to IAB was at 1617 hours on July 22, 2007 and his official Department interview began at 0316 hours on July 23, 2007. The Assistant Department Advocate said that the time that the investigator discovered that the call to IAB was made by Respondent Carr was after Respondent Salmons’ interview ended and before Respondent Carr’s interview ended.

In spite of that direction, he admitted that he contacted Respondent Salmons and sent her text messages a few months later. He said on Thanksgiving Day 2007, Respondent Salmons tried to hit him with her vehicle. He said he never reported this officially, but had “stated it to people.” He recounted that one of the text messages said that the Department was going to find out that she was a “perp.” Another message, sent on December 31, 2007, read:

Girl, guess what. Officer Carr put in his papers to resign, but they won’t let him because he has to wait until this is finish. He flipped out. He said he can’t get over the fact that the man you’re with he arrested and he was wearing his clothes. If this is true, how do you let him wear his clothes and you were my girl. But that is F’d up. What goes around comes right back. IAB thin[k]s you’re a dirty cop, and they’re still looking.

A third message, sent on January 22, 2008, said, “Girl, they found something out about you. Mr. [REDACTED] they found used your name to an undercover when buying something. They may call [you] in. We gonna talk.”

Respondent Carr said his intent in sending these messages was to “[k]eep her at bay.” He wanted her to think that he possibly told IAB about what almost happened and she would not bother him or make anymore attempts to hit him with her vehicle. He said he had not had contact with Respondent Salmons between “the attempted hit” on Thanksgiving Day 2007 until he sent her a text message on December 31, 2007.

He said he decided to tell the truth to the [REDACTED], Dr. Bardey, because he was trying to put “it” behind him. He said he no longer feels it is embarrassing if another man is wearing his clothes. He said he understood that the lies and made up things he said during his official Department interview were false and he was lying, but he was trying to deflect attention away from having to explain about his clothes.

On direct examination by the Assistant Department Advocate, Respondent Carr said that the tires of his car were slashed months before his mother's death, possibly as early as in October 2006. He clarified that although Respondent Salmon's door was closed, he saw someone coming down the stairs from her residence. He said he asked her who that was and she replied that it was some drug dealer that she told to get away from her door. After that, he did not think more of it.

Respondent Carr said Respondent Salmons referred to other boyfriends she had beside him, but he did not remember if she ever mentioned [REDACTED], though his name sounded familiar. He said he believed [REDACTED] was a drug dealer because she told him so, when he saw [REDACTED] leaving steps from her residence.

On cross-examination by Respondent Salmons' attorney, Respondent Carr agreed that he sent the text messages that were previously read in court through a computer rather than phone to-phone, and that this method of transmission concealed the fact that he sent the messages. He claimed that his information was "supposed to come up," but it did not. He agreed that IAB told him that the way he sent those text messages to her phone from his computer made it appear that the text messages were being sent to herself, and the way she received it, it said it was from her to herself. He admitted that this was the way he did it on his computer when he sent her the text messages. He denied that the e-mails that he said he received from Respondent Salmons (Carr RX A) were actually sent by him through his computer to make it look as if they were sent by someone else.

Regarding July 22, 2007, he agreed that he did not tell Respondent Salmons that he was coming to her house and he was not invited there. He said he saw [REDACTED] wearing his pants, Respondent Salmons came to the door and took the balloon, they got into a

verbal dispute and then he left. He denied it was a physical dispute. He agreed that shortly after that, he called her and was "crying" about the fact [REDACTED] was wearing his pants.

On questioning from the Court, Respondent Carr said the text messages he sent to Respondent Salmons were supposed to include his information, but they did not and he "never went back to try to figure out what happened." He denied that he did anything to create that impression. He agreed that the text messages did not show that they came from him.

Lieutenant Craig Nilsen

Nilsen is currently assigned to IAB Group 32, where he has worked for almost three years. He has worked in IAB for a total of five years. He said he supervised the investigation into the Respondents and that Sergeant Previte was the assigned case investigator after the initial callout investigation was concluded.

Nilsen agreed that a criminal background check was run on [REDACTED]. He said an E-Justice inquiry "is a comprehensive criminal background check done by name and date of birth which comes back with a photo identification." [REDACTED] E-Justice inquiry [Department Exhibit (DX) 3] revealed that he has a prior arrest history for narcotic offenses for sale. His most recent arrest was on March 28, 2001, for criminal possession of marijuana and he was convicted upon a plea of guilty. On January 13, 1997, [REDACTED] was arrested for criminal sale of a controlled substance in the third degree, and a month later, he was convicted upon a plea of guilty of attempted criminal sale of a controlled substance in the third degree. For this [REDACTED] received a sentence of five years probation.

On cross-examination by Respondent Salmons' attorney, Nilsen said he did not take part in the interview of [REDACTED] and was not present at the 67 Precinct the day of the incident. He said that after it became an IAB case, he supervised its investigation "until it was closed with charges served on the officer." He agreed that after Respondent Salmons' initial official Department interview on the day of the incident, he or his group subsequently interviewed her. He confirmed that there were times when Respondent Carr attempted to communicate with Respondent Salmons, and that she brought that to IAB's attention each time. She also brought in her phone and showed IAB certain threatening text messages sent to her phone. Nilsen said initially it was hard to determine who had sent those messages because they were sent from a computer, and that that was a method of sending a message without having it traced back to the sender.

Nilsen said when Respondent Carr was interviewed, he admitted to sending the text messages via a computer, but he did not state specifically that his intent was to not have the messages traced back to him. Nilsen agreed that the messages were written in the third person, so that a person reading it would not think automatically that it was sent by Respondent Carr.

Nilsen said there is no indication that Respondent Salmons ever did a background check on Jones in order to find out what his record was. He said it would have been inappropriate for her to do it, as background checks are "for official use only."

Respondent Charlene Salmons

Respondent Salmons is currently assigned to Housing Borough Manhattan. On the afternoon of July 22, 2007, Respondent Salmons was off-duty and at home getting

dressed "to go out to see family." She denied that it was her daughter's birthday or birthday party that day, or that that she was cooking or having some sort of barbecue in her backyard that day. She said she was home with her boyfriend at the time, [REDACTED] and her two daughters and one of her daughter's friends.

Respondent Salmons said the bell rang and she told [REDACTED] to answer the door. She heard Respondent Carr's voice and she was "kind of startled because...he shouldn't have been there." She said she was not expecting him, although he had called earlier and left a message on her answering machine indicating that he was "coming by" but did not give a reason why. She said she got dressed and went to the door, and [REDACTED] departed to the back of the house.

Respondent Salmons recounted that Respondent Carr said to her, "You fucking bitch, this mother fucker got on my pants," and then slapped her in the face really hard and ran down the stairs. She said [REDACTED] ran from the back as Respondent Carr started running back up the stairs toward her front entrance. She said she hurried and slammed the front door for safety because she knew Respondent Carr always carried his off-duty weapon. She locked the door and immediately called 911.

Respondent Salmons said she lives in an attached, private house. She said her entryway consists of three doors: a security gate; a brown heavy metal door; and then in the vestibule, "a regular see-through type of door." She said from the sidewalk there are about 10 steps leading to her front door with a railing on one side of the stairs.

Respondent Salmons approximated it was 20 seconds from the time she told [REDACTED] to answer the door to the time she heard Respondent Carr's voice saying "is Charlene there." She said it took her "maybe 20 seconds" to go to the front door herself. She said

when she went to the front door she was wearing a T-shirt and shorts and [REDACTED] was wearing a T-shirt and pajama pants that had the words "number one dad" on it. She said that Respondent Carr had bought her the pants for Mother's Day. She said she did not say anything to [REDACTED] as she approached the door and she did not know where he [REDACTED] went, "he just walked away."

Respondent Salmons said that Respondent Carr appeared "agitated" and was holding two balloons. She said that he was facing her and had not indicated that he was bringing balloons for her daughter. When she approached the door and [REDACTED] went back, Respondent Carr said, "This fucking bitch got on my pants," and then hit her. She said he was in the vestibule when this took place. She said she was not sure in which hand he was holding the balloons, or which hand he used to strike her twice in the right cheek. She said the balloons went up in the air when he struck her, but she did not believe he let go of the balloons in order to strike her. She denied that she lifted her hands in any defensive posture, that she attempted to strike him back or that she attempted to push him.

Respondent Salmons said Respondent Carr slapped her "very hard" twice and ran down the front steps. She then said, "This mother fucker just slapped me." [REDACTED] ran from the back, while Respondent Carr ran down the stair and then started running back up the stair toward the door. She hurried and closed the door and locked it. At this point in time, [REDACTED] was inside the house, about an arm's-length behind her. She did not observe any marks on her face as a result of being slapped.

On cross-examination by Respondent Carr's attorney, Respondent Salmons said they were "face-to-face" at her door. She said the only words he said were, "You fucking

bitch, he has on my pants.” She agreed that she was uncertain in which hand he held two balloons and that he struck twice her in the face. She could not recall which hand was used to strike her, all she knew was that he hit her, “it was unexpected, and it hurt.” She did not know if the backhand or forehand was used, only that it was an “open hand” slap.

Respondent Carr’s Case

Respondent Darryl Carr called Doctor Alexander Bardey and Sergeant Mark Smith. Respondent Carr also testified in his own defense.

Doctor Alexander Bardey

Bardey was deemed qualified as an expert in the area of clinical and forensic psychiatry based on his curriculum vitae (Carr RX C). He said he examined Respondent Carr on December 9, 2009 and December 18, 2009, subsequent to Respondent Carr’s attorney laying out what issue he was to be evaluating and forwarding to him certain documentation to review as part of his evaluation.

Bardey said he reviewed Respondent Carr’s history, including his account of the events that led to the instant charges against him. He also administered a MCMI-III⁴ [REDACTED] test, which contains a series of 175 true/false questions that test for the existence of major psychiatric disorders, personality disorders, and the possibility of lying or malingering. He said he uses the test to aid in the diagnostic process, “to see if the individual is telling [him] a history and a set of symptoms that’s consistent with what the test pulls for.” He said he also reviewed affidavits prepared by Respondent Carr,

⁴ Millon Clinical Multiaxial Inventory-III

Police Officer Nazaire, and TEA⁵ Woolly (Carr RX F). He said he reviewed the amended charges and specifications, and they in no way change his analysis of Respondent Carr.

Bardey said that after his examination of Respondent Carr, he rendered a report (Carr RX D). He said that Respondent Carr “described rapidly entering into a very intense sexual relationship with [Respondent Salmons] that was very chaotic with a lot of jealousy, and a lot of fighting, and a lot of separations and makeups, and a lot of just ongoing chaos...” He also said that Respondent Carr convinced his [REDACTED] mother to undergo [REDACTED] and Respondent Carr believed that this led to her premature demise in March 2007. He then became depressed and had just broken off his relationship with Respondent Salmons. Contact between the two Respondents was reinitiated in May 2007, after he received text messages or e-mails from her, “which then reignited this chaotic relationship which culminated in the events that lead to these charges brought against him...”

Bardey said that in his professional estimation, Respondent Carr did not act in a rational manner on July 22 and 23, 2007. He said the relationship that Respondent Carr described having with Respondent Salmons was “chaotic, intoxicating.” He said Respondent Carr entered the relationship “at his own risk and peril and ended up making a number of really bad decisions because of it. It’s almost as deeper he got into the relationship, the more chaotic it became, the poorer his judgment became.” When asked why, when Respondent Carr had ample opportunities to do so, did he not terminate the relationship, Bardey analogized the relationship to substance abuse, where substance abusers try to stop, “but the grip of that addiction is such that it overwhelms the

⁵ Traffic Enforcement Agent

individual's rational thinking and ability to walk away from it." He said the substance addiction is similar to this relationship of "repeated breaks, repeated separations, only for them to be reunited at some point following a small trigger."

Bardey said that Respondent Carr's observation of [REDACTED] wearing his slippers and pajamas "set off the underlying tension, and irrationality, and intense drama that was characteristic of this particular relationship." He said Respondent Carr's fabrication of a interaction between himself and [REDACTED] at a movie theater, which he pleaded guilty to, is consistent with someone in Respondent Carr's mental state on July 22 and 23, 2007. Bardey said that throughout this period of time, Respondent Carr was "not thinking rationally, not planning ahead of time, he is trying to get himself out of this difficult situation." Additionally, Bardey found that he had "[REDACTED]," which is "a tendency to avoid intense emotional situations that are confrontational in nature." He believed that Respondent Carr "felt lost, scared, confused, and probably with a number of conflicting emotions, ...love, and hate, and anger, and all of these different things were all mixed together which was very difficult, if not impossible, for him to handle leading to these extremely bizarre behaviors and leading to this extremely poor judgment."

Bardey did not consider Respondent Salmons to have been a positive influence on Respondent Carr's life, saying that "rather than the relationship helping to develop himself, improve his life and give him stability, it did all the opposite. It created chaos, it turned him into a liar for that period of time. It compelled him to engage in behaviors that were...uncharacteristic of him." Also, Bardey believed that Respondent Carr was under the influence of Respondent Salmons during the period of their relationship, that he lost the ability to make decisions on his own behalf, and that his decision-making process

followed her, rather than his own, best interests. He believed that this type of relationship was not typical of what Respondent Carr normally involved himself in.

Bardey said that in his findings, he diagnosed Respondent Carr with [REDACTED] [REDACTED] which is mild to moderate [REDACTED] that is severe enough to require treatment, in addition to the previously discussed [REDACTED]. He said the results of the MCMI-III psychological test were concordant with his findings, and the test did not show malingering or lying, which would detect if an individual is prone to exaggeration or fabrication.

Bardey likened Respondent Carr's behavior on July 22 and 23, 2007 with that of the substance abuser who would "lie, cheat and steal" to feed his addiction, and he believed Respondent Carr did a lot of those same things to feed his relationship with Respondent Salmons. However, now that Respondent Carr "has recovered from that, and is no longer involved in it, and has been through some various therapies, and has gained valuable insight and understanding about the nature of that relationship, it's as though the addiction is gone. So he has gone back to being his usual self, the person he was, up until this all started." He said that the emotional stressor of his mother's death and the social stressor of his relationship with Respondent Salmons are no longer factors within Respondent Carr's life.

Bardey concluded that Respondent Carr was a credible individual today and said that during his evaluation, he gave "credible answers...consistent with what was described by other people and consistent in themselves. He said there was no reason why Respondent Carr could not be a productive member of the Department.

On cross-examination by the Assistant Department Advocate, Bardey said that prior to beginning his analysis of Respondent Carr, he was given affidavits from Respondent Carr, Woodly and Nazaire (Carr RX F). He said Respondent Carr's affidavit contained various appendices that included, among other things, a photocopy of an entry in the funeral service log book that bore Respondent Salmons' signature and a copy of two e-mails sent from Respondent Salmons to Respondent Carr.

Bardey agreed that Woodly was not a witness to any of the events underlying the charges in this case, and that Nazaire's role in this matter was very narrow in that he is the individual who drove Respondent Carr to the 67 Precinct before he was officially interviewed, and other than that, he played no other role in this case. Bardey mentioned that Nazaire had also alluded to the fact that he had been called by Respondent Carr after his vehicular encounter with Respondent Salmons. Bardey admitted that he was aware that the matter involving the vehicle was never reported to the Department and that no official report was ever made. Aside from the aforementioned, Bardey did not receive any other documentation from Respondent Carr's attorney.

Bardey denied that he received a copy of Respondent Carr's official interviews (Court Exhibit 1) or investigative paperwork connected to this case, nor did he interview any friends, family members or colleagues other than Nazaire prior to making a diagnosis or rendering an opinion. He felt that he had been given enough information to make an assessment and he found Respondent Carr credible, so he did not feel he needed to speak to people who were part of Respondent Carr's life at the time he was trying to assess.

Bardey also did not speak with Respondent Salmons, never read anything that she prepared in this case, never reviewed any records of her official interviews or versions of

events in this case, and never spoke to anyone who knew what she said about the events in this case. He recognized that he was "only getting one side of the story." He agreed that Respondent Carr made several allegations against Respondent Salmons, that he spoke of many different events in which he cast her in a negative light, and that he had no independent evidence whether those events are true other than what Respondent Carr told him.

Bardey opined that Respondent Carr's [REDACTED] after the loss of his mother was "worse than normal bereavement and impaired his functioning for a while." He said he did not know the nature of Respondent Carr's relationship with his mother other than what he was told, and he did not speak to any of Respondent Carr's siblings. He did not believe showing up at Respondent Salmons' residence with balloons was confrontational.

Bardey said he had not had the chance to interview Respondent Carr in regards to the amended charges relating to text messages he sent in December 2007 and January 2008. He explained that when he said during direct examination that the amended charges did not influence his assessment, he meant that the nature of the messages did not involve threats to life, or love messages, and are consistent with the type of communication and relationship that the Respondents had.

Bardey agreed that he was aware that Respondent Carr's contact with Respondent Salmons was in violation of his supervisors' orders, and that he use language in the third person and referred to himself in the third person in those messages. He said disguising his identity is consistent with a tendency to avoid conflict or confrontation.

Bardey said Respondent Carr's involvement in the relationship with Respondent Salmons was the social stressor that caused him to lie during his official interviews. He

was not aware of any other social stressors that existed in his life other than those which he was told about, and he does not know if any social stressors exist in his life today. He said because Respondent Carr did not have a history of lying to deal with stress, he thought it was unlikely he will engage in that behavior. He said it was fair to say that he did not know what social stressors could result in his lying again.

Bardey said he had no other explanations to explain Respondent Carr's lying during his official interview except the stress that existed in his life based on his mother's death and his tumultuous relationship with Respondent Salmons.

On cross-examination by Respondent Salmons' attorney, Bardey said he was monetarily compensated for his interview with Respondent Carr, the report he generated (Carr RX D) and his present testimony. He reiterated that he believed that there is no reason Respondent Carr could not return to full-duty police work, be issued a firearm and take that firearm home every day. He said he assessed Respondent Carr and found him credible based on his presentation and not on faith. He agreed that if someone were to show him evidence to the contrary, he would have to reweigh all the factors that he had considered and reconsider his opinion about whether or not Respondent Carr should be given his firearm back.

Sergeant Mark Smith

Smith is assigned to the 67 Precinct. On July 22, 2007, he responded to Respondent Salmons' house and completed a complaint report (Carr RX E). The report's narrative stated the suspect went to the victim's residence and started a verbal confrontation with the victim and slapped her on the right side of the face. The suspect

fled and the victim did not suffer any injuries. He said he was able to physically observe Respondent Salmons and noticed there were no physical injuries to her face.

On cross-examination by Respondent Salmons' attorney, Smith agreed that he responded to this incident as a result of a radio run of a complaint by an off-duty member of the service (MOS), that when she called 911 she identified herself as a police officer, that she informed the dispatcher that it was another member of the service who hit her in the face, and that once he arrived on the scene, Respondent Salmons identified herself as the caller.

Smith said that, initially, [REDACTED] was not there but appeared at some time while he was speaking to Respondent Salmons. He said he also spoke to [REDACTED], who said he was in the house when the slap occurred. He agreed that he drove Respondent Salmons to the precinct, that he asked [REDACTED] to respond to the precinct as a witness, that [REDACTED] was not under arrest at the time, and the only reason he knew [REDACTED] was present for the incident was because Respondent Salmons and [REDACTED] told him [REDACTED] was there. At no time did anyone tell him that Respondent Salmons was telling [REDACTED] that he "better get out of here," or that he "better not come by."

Respondent Darryl Carr

Respondent Carr said that on July 22, 2007, he weighed 190 pounds. He is right-handed and is not ambidextrous. During testimony, Respondent Carr displayed a ring on the middle finger of his right hand which he said he has worn since 2004 and which he wore on July 22, 2007. The Court inspected the ring and described it as "a ring with a raise[d] piece in the center square and it's serrated on the bezel on the two sides."

According to Respondent Carr, on July 22, 2007, before he went to Respondent Salmons' house, he called her phone and left a message on her answering machine stating that he was stopping by to drop off a gift for her daughter. He agreed that his visit was "unannounced," but that he "contacted her to tell her." He said, "I don't know if she listened to it but she always checks her messages."

Respondent Carr said that during their relationship, Respondent Salmons had his cell phone number and that was the primary means by which she communicated with him. After leaving her the message, he said he did not receive a return phone call or text message or any other means of communication instructing him to stay away from her home that afternoon.

Respondent Carr said when he visited Respondent Salmons' home that afternoon, he rang the doorbell and a man he later found out was [REDACTED] answered the door. He asked for Respondent Salmons and noticed that [REDACTED] was wearing his pajama pants and his slippers. He said he "instantly" leaned against the door because he got "weak" upon seeing [REDACTED] wearing his pajama pants. He said he and [REDACTED] did not exchange words.

Respondent Salmons appeared at the door with a tank top on and naked from the waist down, and [REDACTED] told her to put some clothes on, which she did. She returned to the door clothed in a robe and took a balloon from him. Respondent Carr said he then told her, "Fucking bitch, why how did you let him wear my pants, my clothes." They screamed back and forth and she told him, "Get the fuck out, get the fuck out." He said he went down the stairs and commented, "Look at him, look at him, how could you do this to me." He proceeded to his vehicle and drove off. As he drove away, he called her crying, upset because Jones was wearing his pants and because he lent her money to buy

a bed. He said before he departed the scene, he did not lay his hands on [REDACTED] nor did he strike Respondent Salmons. A subsequent time he called her, the 67 Precinct patrol supervisor, Smith answered the phone and told him to report to the precinct.

Respondent Carr admitted that he "told a number of lies" during his official Department interviews on July 22 and 23, 2007. He said he lied because he was frightened that he would be arrested for a crime that he did not commit. He was incapable of telling the truth during his interview because he was embarrassed by the fact [REDACTED] was wearing his pajamas, and because he was afraid he was going to be arrested. He said, "I lost it once I found out, I lost it."

Respondent Carr said he had testified truthfully at trial. He said, "I made a mistake that night and I was under traumatic amount of pressure and stress. I didn't want to come forward because I didn't want to feel embarrassed." He said that after speaking to Bardey, he has been able to confront his past "and get it out in the open here..." He said he pleaded guilty to all the specifications against him except the one that alleges he struck Respondent Salmons because he "did not do it."

On cross-examination by the Assistant Department Advocate, Respondent Carr denied that he was ever told by his integrity control officer (ICO) or any other supervisor to stay away from Respondent Salmons, or that she ever told him, before he showed up at her residence, to stay away from her. He said that he invited her over to talk to him and that she did. He said the last time he spoke to her prior to the incident was two weeks before July 22, 2007 and they had a "friendly conversation" on the phone. He said the conversation led him to believe that their relationship could be saved.

In explaining why he felt "weak" upon seeing [REDACTED] wearing his pants, he said, "Seeing somebody in your clothes is devastating. That is like if you come home to your wife and another man is wearing your robe. It took the wind out of me." He denied Respondent Salmons' claim that he had bought the pajama pants for her because she was acting as both the mother and father to her children. He agreed that he bought himself pants that said "number one dad" because he had impregnated her. He said she asked him to leave the pants with her because she said when she wore them she felt like he was there. He said he also bought the slippers for himself.

Respondent Carr agreed that after leaving Respondent Salmons' residence, he called her, that she came to the door after [REDACTED] stepped away, and that he was face-to-face with her. He said, "We was really close to each other." He agreed that when he stood face-to-face with her, he yelled at her and used profanity. He admitted he was "very angry and upset," and "wanted to cry" as he was arguing. He said he was in control of his faculties at that point, but said he was not in control of his faculties during his official interview. He said he was "incapable of telling the truth" during his interview and he did not make a conscious decision to lie and make things up during his interview. He agreed that he was embarrassed because he did not want "a room full of other men" to hear that someone else was wearing his clothing, and to hide that fact from those men, he made up the lies.

On cross-examination by Respondent Salmons' attorney, Respondent Carr again admitted that he was embarrassed that somebody else was wearing his clothes so he made false allegations against someone else. He agreed that when he made the anonymous phone call regarding drug sales at Respondent Salmons' house, he "gave exquisite detail

on that," including a fictitious friend who had bought drugs and had been shortchanged. He said that Respondent Salmons had called him "a couple of weeks before her daughter's birthday" in July 2007 prior to the incident, and they spoke.

During questioning from the Court, Respondent Carr said he arrived at the 67 Precinct at about 1600 hours. He said that initially, he was not told that he was the subject of a potential domestic violence charge, but later on, he was told that Respondent Salmons was making an allegation that he slapped her. He agreed that at that point he was a subject of an investigation, but he was able to leave the station house and make the phone call.

Respondent Carr resumed direct examination and stated that during their relationship, he and Respondent Salmons each maintained a single cell phone number.

On cross-examination by the Assistant Department Advocate, Respondent Carr said that after hearing Respondent Salmons testify at trial that they never had any discussions about marriage, he located his old cell phone, charged it, and personally transcribed four text messages which discussed the purchase of a ring (Carr RX G). He said he lost the original receipt for the engagement ring he testified to having placed on layaway. However, he went to the jewelry store and got a copy of his receipt, dated June 16, 2006 (Carr RX H). He said he "never had a chance to" give her the ring.

On cross-examination by Respondent Salmon's attorney, Respondent Carr said he started dating Respondent Salmons in June or July 2005. In reference to the first transcribed message dated October 2005 (Carr RX G), he agreed that within four months of dating her, they were already talking about getting married. He said that she indicated

that "she was older now" and "wanted to settle down." She told him to go to the store and look at the rings and he did. They were not living together.

Respondent Carr agreed that he picked out the ring indicated on the receipt (Carr RX H) on June 16, 2006 and placed it on layaway. He agreed that the receipt indicated that the pick-up date kept getting moved back, from July 2, to July 11, to July 16 and August 9, when it was still not picked up. He agreed that the total price of the ring was \$1,083 and that he put it on layaway for \$100 and never made any additional payments toward it. He agreed that they continued to date until March 11, 2007, long after he "gave up on the ring." He said Respondent Salmons was pressuring her and arguing with her, and he "was not getting married to somebody like that." He agreed that when the relationship started and she pushed for marriage, he agreed at first, but then she was pushing so much that he went in the opposite direction and felt pressured. He agreed that the relationship went on for almost a year after that and nothing happened with the ring. He said, "She kept bringing [up] the topic back and forth. I kept dancing around it"

Respondent Carr agreed that Respondent Salmons' testimony that they never had any conversations about marriage prompted him to retrieve the text messages from an old phone (Carr RX G), which shows the messages sent from her phone to his phone. He agreed that he pleaded guilty to the specification that charged that he, after having been told by the Department not to have contact with her, sent text messages to her from a computer in such a way that the text messages appeared as if they were sent from her own phone to herself. He agreed that the text messages did not appear to have come from him, even though the messages were from him, and that it made it look like he was not sending them to her. He admitted that the messages referred to him in the third person

and gave the appearance that someone else other than he was sending the text messages about him to Respondent Salmons.

Respondent Salmons' Case

Respondent Charlene Salmons called Sergeant Thomas Hunter. Respondent Salmons also testified in her own defense.

Sergeant Thomas Hunter

Hunter is a case investigator in IAB Group 32. He has worked there for three years. On July 22, 2007, he responded to the 67 Precinct regarding an incident involving the Respondents. Although he could not give a time frame, he said he first received a call about the incident, and then later, before he left his office to go to the 67 Precinct, another call came in alleging Respondent Salmons was involved with a drug dealer.

Hunter agreed that this case was generated as a result of a 911 call by Respondent Salmons in which she identified herself as a police officer who had just been hit by another police officer, that a sergeant responded to her location and that she was brought to the 67 Precinct. He did not know how [REDACTED] got to the precinct. He agreed that there were no allegations against her at the time and that she was brought to the precinct as a victim. He was not aware of when she was informed that an allegation had been made about her selling drugs out of her house and associating with a drug dealer. Hunter said he was in the 67 Precinct for "13, 14 hours."

Hunter agreed that he sat in on [REDACTED]' interview and either [REDACTED] or Smith were the first to be interviewed. He said the Respondents were kept in separate rooms, but he did not know where [REDACTED] was at. He said that at some point the desk officer saw

Respondent Salmons “playing with her cell phone,” retrieved it from her and gave it to him. To his knowledge, the desk officer was not aware that there were allegations against her, and at that moment she was a victim. When asked why someone would have taken away her phone from her if she was the victim of domestic violence at that time, Hunter replied that at the conclusion of [REDACTED]’ interview, he was told not to contact Respondent Salmons regarding the content of the interview.

Hunter said [REDACTED] was interviewed regarding what happened with Respondent Salmons being slapped in the face, and he was also asked about “his history.” Hunter explained, “We don’t want to take a chance on somebody possibly being a witness we can’t rely on. So we did a background check on him and saw his criminal history.” Hunter recalled [REDACTED] saying “he had an arrest for marijuana,” but he was not sure if this was when [REDACTED] was a juvenile or not. He expounded on [REDACTED]’ interview by saying, “Well, he said he was arrested for marijuana and he pretended like it was a joint. And then we find out it was some type of weight involved. Also he had a controlled substance sale to an undercover, which he said he didn’t have crack on him, but he had sold to an undercover.”

Hunter said that [REDACTED] never said he witnessed a slap, but that [REDACTED] heard Respondent Salmons say “something about she got slapped in the face, and he heard a commotion and went to find out what happened.” He said that after Respondent Salmons called the police, [REDACTED] went to the store to buy cigarettes and returned after the police arrived. Hunter agreed that at no point did Respondent Salmons tell [REDACTED] to “get out of here,” or to leave because the police were coming. He concurred that [REDACTED] stayed there as a witness and went to the precinct.

Hunter said he sat in on Respondent Salmons' interview [The entire transcript of Respondent Salmons' official Department interview, which began at 2238 hours on July 22, 2007 and lasted for 15 hours, was placed in evidence as DX 1 and the audio recording of the interview as DX 2.] She was interviewed by Hunter's supervisor, Lieutenant Jeff Schneider. He agreed that at some point she was asked if she had spoken to [REDACTED] about the incident, and she denied doing so. During her interview, her cell phone was in the possession of investigators, and when she was asked if she had spoken to [REDACTED] about the incident, the investigators already knew she had made contact with [REDACTED] in the way of calls and text messages between the two, based on the dates and times of the transmissions. He agreed that a call had taken place between Respondent Salmons and [REDACTED] after the latter's interview, and this was known because [REDACTED] had supplied his phone number to investigators. He agreed that [REDACTED] was never arrested in regard to this incident, and that he was interviewed as a voluntary witness.

Hunter reiterated that when Respondent Salmons answered the question regarding whether she had spoken about the incident with [REDACTED], the investigators already knew she had. He said no one pointed out to her that they had looked at her phone and already knew that there had been contact. He said somebody "might have" told her that they were aware that she had spoken to [REDACTED], but that "...she kept denying it, no, no, no. It took forever, then she finally came up and said yes she spoke to him." Hunter said that Respondent Salmons admitted to speaking to [REDACTED] about the incident, that [REDACTED] told her what questions were asked of him in the interview, and that he had discussed his rap sheet. [REDACTED] also informed her about the rap sheet. He agreed that for a while she denied contact with [REDACTED] but eventually admitted it.

When asked how Respondent Salmon's denials impeded his investigation, Hunter said that her denials caused a delay in the questioning, because "if you deny something, we can't go to our next question." He said it is considered impeding an investigation if a question is asked "and you deny it about 5, 6, 7 times..." He said she had to be read the Patrol Guide procedures concerning interrogations of members of the service and the making of false statements "back and forth" before she admitted speaking to [REDACTED].

Hunter said that Respondent Carr also impeded the investigation by not identifying himself and phoning in an anonymous complaint. Hunter said the tape of the call had to be retrieved and listened to to try to identify the voice of the caller. He said, "We were told a lot of stories by Officer Carr that turned out not to be true." He agreed that he had to investigate whether an incident between the Respondents had occurred the previous night in a movie theater. He also agreed that Respondent Carr "stuck to that story" thorough his official Department interview. In order to prove or disprove that story, he has to go to the movie theater to retrieve video footage of that night. Hunter said that with regard to the incident where the slap is alleged at Respondent Salmons' residence, Respondent Carr denied ever being at that location and said he was at home with another woman. However, the woman was contacted and she said she was not with Respondent Carr at the time of the incident.

On questioning by the Court, Hunter said he looked at the content of the text messages between Respondent Salmons and [REDACTED] and said they were of a "personal nature" and did not have anything to do with the interview. He said that at the time of Respondent Salmons' interview, he was not aware that Respondent Carr had made the anonymous phone call. He agreed that at that time, he had "some pretty strong evidence

that this tip, this call was valid and she might in fact be a drug dealer.” He agreed that the “whole phone call was complete bologna...except for the fact that [REDACTED] had a record.”

On cross-examination by Respondent Carr’s attorney, Hunter recollected that [REDACTED] said he answered the door and a man asked for “Charlene” (Respondent Salmons). [REDACTED] called out to her that someone was at the door. The man was coming into the house and [REDACTED] told him to wait and let her put clothes on. Respondent Salmons passed by [REDACTED], who “walked to the room.” Hunter did not recall [REDACTED] saying that he witnessed a slap.

Respondent Charlene Salmons

Respondent Salmons is a 16-year member of the Department currently on modified duty assigned to a VIPER Unit in Housing Borough Manhattan. Prior to the VIPER Unit, she worked various assignments in the 70 Precinct for the major part of 12 years. Aside from this case, she has never been placed on modified duty, had her guns taken away, or received charges and specifications.

Respondent Salmons said she first met Respondent Carr in September 2005 when she was shopping with her mother to buy a wig and she saw him about to summons her car. They began a relationship which effectively ended February 2007. She said when she broke up with him, “He did not take it well.” She said he persisted to call her even though she stopped accepting the calls. She said that in June 2007, she told her ICO about Respondent Carr’s continued advances, and the ICO said he would speak to a

lieutenant in the 73 Precinct "to speak to him to lay off, it's over with, just leave it alone."⁵ She said she did not want him arrested, she just wanted him to leave her alone.

Respondent Salmons said she knew Respondent Carr's mother, and though they had broken up, Respondent Carr called her as a friend to inform her of his mother's death. She said even though she did not want a relationship as a friend, she went to him and she helped him shop for his mother's funeral outfit. She said she was never upset or mad that he did not use or was reluctant to use a funeral company she knew about.

Respondent Salmons said that by July 2007, her relationship with Respondent Carr had been over for five months and she had been dating [REDACTED] for approximately three months. She said she was still getting to know [REDACTED] and had seen him about 10 to 12 times in three months. [REDACTED] was not living with her.

On July 22, 2007, Respondent Salmons was at her residence with [REDACTED], her two daughters and her daughter's friend. She heard the doorbell ring and told [REDACTED] to answer the door. Then she heard Respondent Carr's voice asking for her and she "was trying to figure out why he was there." She denied speaking to Respondent Carr earlier in the day or asking him to come over on that day. She said she went to the door and [REDACTED] walked away. Respondent Carr stated to her, "You fucking bitch that mother fucker got on my pants," and then slapped her two times.

⁵ The parties stipulated that Salmons RX A is a Department memorandum addressed from the 70 Precinct ICO to the 70 Precinct Commanding Officer. The 2-page document is dated June 8, 2008 and signed by the Lieutenant Vincent Cirrito. It reads in part that Respondent Salmons "states that she is now getting phone calls from Officer Carr, asking her to take him back. Officer Salmons states that she has told him she has moved on and that he should do the same. When asked by the undersigned if she felt threatened or harassed by these calls from Officer Carr, she stated 'No,' she just wanted to bring it to the 'jobs' attention, because of her previous experience of being involved in a turbulent relationship culminating with her being shot in the hand by an ex-boyfriend several years ago." According to the Assistant Department Advocate, the ICO contacted a lieutenant in the 73 Precinct, Respondent Carr's command, but that lieutenant is now retired and it is unknown if he actually spoke to Respondent Carr.

She said that Respondent Carr was referring to the pajama pants that [REDACTED] was wearing, which had writing on it that read, "Number one dad." She said he had given her the pants as a Mothers Day gift in 2006 in recognition of her being a single parent and "the mother and father" of her children.

Respondent Salmons said Respondent Carr held two balloons in his hand, although she did not know in which hand. After he slapped her, he ran down the stairs while she said, "This mother fucker just hit me." [REDACTED] ran from the back of the house as Respondent Carr ran back up the stairs. She said she pushed the door, locked it and called 911. She told 911 that she was an MOS and that she just got assaulted by another MOS, and provided her information. She said [REDACTED] went to the store to get cigarettes.

Respondent Salmons said that he understood that [REDACTED] was a superintendent of a building on [REDACTED] Place, about a 40 minute drive from her location. She said that [REDACTED] had told her that he had been arrested when he was 15 years old. He never told her that he had been arrested for selling drugs or for anything else. She said [REDACTED] was 31 years old when she started dating him, so she viewed his arrest 16 years prior in the context of "children make mistakes." He did not tell her he had been arrested after that.

Respondent Salmons said Smith and his driver responded to her location. Smith told her to go with him to the 67 Precinct, she believed, because she was the victim of an assault by Respondent Carr. Also, after Respondent Carr departed, he called Respondent Salmons' phone and she passed the phone to Smith, who ordered Respondent Carr to report to the 67 Precinct. Smith also told [REDACTED] to go to the 67 Precinct "the best way he can." She said Smith transported her in his car, while [REDACTED] was to get there on his own. She believed that [REDACTED] was being directed to the 67 Precinct as a witness to her assault.

by Respondent Carr. She believed that Respondent Carr was going to be arrested and that she was going to be given an order of protection.

Respondent Salmons said that while at the 67 Precinct, at no point did she see Respondent Carr or [REDACTED], although she heard from several PBA⁷ delegates that the former was present. She said that at no point did anybody make it known to her that there were allegations against her at that time, and at no point was she told she was not allowed to leave nor was she given any information regarding her movements. She said she was not told anything while she was waiting there, and when she asked her delegate, she was answered with, "I don't know, I don't know." She was escorted to the bathroom by a police officer, and "...so many hour, like 15 hours, had passed by then the delegate was like you better get a lawyer because now IAB is here."

Respondent Salmons said that during this time period no one gave her orders not to speak to anyone, and she was talking to her children "off and on." At some point, a supervisor asked for her phone and she gave it to him.⁸

It was her belief at the time that Respondent Carr was going to be arrested for what happened. No one told her before her interview that allegations had been made against her about selling drugs or associating with drug dealers. She said the first time she heard there was an allegation that she was associating with a criminal or had something to do with drug sales was when she was getting her charges and specifications,

⁷ Patrolmen's Benevolent Association

⁸ Regarding the removal of her cell phone from Respondent Salmons, the parties stipulated that the 67 Precinct desk officer, Sergeant Logan, took the cell phone away from Respondent Salmons, because she was a potential witness and should not have been talking on the phone. The phone was eventually passed to the investigators, who obtained information from it.

about a month after the incident. The first time she heard questions about [REDACTED]’ arrest history was “[t]owards the end of the 15 hours.”

Respondent Salmons remembered that during her official Department interview, there was an issue concerning whether or not she had spoken to [REDACTED] since she had been brought to the precinct. She said the lieutenant was yelling at her asking if she spoke to [REDACTED], which she denied, and it went back and forth with him asking and her denying.

After some thought she said yes, she did speak to him.

She said [REDACTED] had called her cell phone and they spoke, but not about the incident that had occurred with Respondent Carr. She said he asked if she was okay. She did not know how long she spoke to him. When she did speak to him, before her phone was taken away by the supervisor, nobody told her that there was an allegation regarding [REDACTED]’ criminal record, or about [REDACTED] selling drugs, or her associating with a known criminal. She said when she got into the “back and forth” with the interviewers, she thought they were asking whether she had spoken to [REDACTED] about the incident with Respondent Carr. At some point, she admitted that she had spoken to [REDACTED] but not about the slapping incident.

Respondent Salmons denied that she intended to impede IAB’s investigation. She said that she did not tell [REDACTED], “Get out of the house, don’t come back,” before Smith’s arrival to her residence, and said she told [REDACTED] to wait right there and he complied. She said [REDACTED] went to the precinct at her behest. When she called 911 to report the assault, she did not tell anyone [REDACTED] was there and that he was a witness.

Respondent Salmons said after her official Department interview, she was suspended for 36 days, then placed on modified assignment and transferred from the 70

Precinct. She said Respondent Carr was not arrested for what happened to her that day. She said she never told anyone that she did not want to press charges against him, and she was never asked. She said "they" were doing an aided card for her, but she did not know what happened to it. She never received an order of protection against Respondent Carr for what happened and no one from the Department ever gave her an explanation as to why he was not arrested that day.

On June 27, 2008, while she was on vacation and at the beach, Respondent Salmons received a call from her command to report with her children to the 61 Precinct. She, her mother and her children arrived at the precinct just off the beach in their bathing suits and a PBA delegate informed her that, "the kids got to be seen." She learned that an allegation of child abuse had been made against her. It was subsequently determined to be unfounded by the Administration for Children's Services (ACS). She said the duty captain, Captain Schiff also investigated the matter, and she complied with his orders.

An officer escorted the children and her mother to [REDACTED] Hospital to be examined.

Respondent Salmons said she spoke to Schiff freely and without representation. She learned that the allegation was made by the father and grandmother of one of her daughters, and she got an order of protection against them. She said a few days before, she had received a letter with a name and a phone number. She recalled, "I really don't know what it said it didn't say I was a subject or it was saying something about mistreatment or maltreatment." She said she called the person named in the letter and a lady from ACS came to her house on June 26, 2008. The lady said the complaint was anonymous but confided that it was made by her daughter's father and grandmother. The

following day, she told the Department about the visit from ACS. She said no charges were drafted against her with regards to the children.

Respondent Salmons said she subsequently had another official Department interview with Sergeant Connolly from the Brooklyn South Investigations Unit to wrap up that investigation. She remembered Connolly advising her that if she became aware of any allegations against her that were made through ACS, she should notify the Department. She said she had “two or three” more ACS cases afterwards and kept the Department updated each time. She said the allegations were all made by her child’s father and were all deemed unfounded.

With Regard to Respondent Carr, Respondent Salmons said that they never talked about or planned to get married, she was never impregnated by him and had [REDACTED] a [REDACTED], and she never said she was a PAA or denied she was a police officer.

On cross-examination by the Assistant Department Advocate, Respondent Salmons said after they broke up in February 2007, at no time did she try to get back together with Respondent Carr, not even for a romantic evening. She said he was calling her phone but she did not respond. She said in December 2006 she had an exclusive relationship with him. She called his assertion that she was pregnant by him three times “all a lie” and they did go away on vacation at one point, but she did not have a [REDACTED]. She said her [REDACTED] was up during the vacation, but that was the extent of any illness.

Respondent Salmons denied that she sent e-mails or text messages to Respondent Carr after February 2007 and she denied transmitting the messages that he had testified about. She said a PAA in the 70 Precinct was a funeral director and she got the PAA and

Respondent Carr in contact with each other to help guide him through the arrangement of his mother's funeral. Respondent Salmons agreed that the tires of Respondent Carr's vehicle were slashed outside her residence, and that she helped select his mother's funeral outfit.

Respondent Salmons denied that she had a conversation with Respondent Carr about attending his mother's funeral, or that he ever asked her not to attend. She said when she appeared at the funeral, he was in front of the coffin. She approached the coffin, said a prayer, nodded to him and walked out. She said she did not have a conversation with him and was not wearing any type of disguise.

Respondent Salmons said she met [REDACTED] in January 2007. She characterized her relationship with [REDACTED] in July 2007 as "...okay it wasn't that serious." She agreed that the weekend of the incident was the first weekend he spent at her house and the first time he wore her clothes. She said she first spoke to [REDACTED] about what he did for a living in February or March 2007. She denied they ever went to a restaurant or to the movies or ordered food in. She said they took turns buying food. She agreed that she had visited his residence and that he spent time with her and her children. She said [REDACTED] never fixed anything in her house but he "swept [her] leaves and he cleaned up a little bit..." She said that he never told her which buildings he was a superintendent at, and she never saw them. He told her "they were on his block." She denied he ever told her where he went to school. She said she met members of his family and never met any of his friends. She did not talk to him about any other jobs he had or his past history.

During her interview on July 23, 2007, when she was repeatedly asked if she had any telephone conversation with [REDACTED], she denied it because she thought the

investigators were referring to conversation about the incident involving Respondent Carr. She described it as “15 hours, long hard hours...they were like yelling and screaming.” She agreed that she finally admitted to having a phone conversation, that she said it lasted only about a minute, and that the conversation “was more like 20 minutes.” She “somewhat” remembered admitting during her interview that she had discussed what was talked about during [REDACTED]’ interview.⁹

Respondent Salmons said the letter she received in June 2008 did not say it was from ACS or contained a letterhead or seal. It did not say she was the subject. The letter read “maltreatment of child or children” and contained some “writing from [a] computer” and a handwritten name and phone number. She thought the letter was fake because she had been in and out of court with her child’s father, and the letter came with no seal, letterhead or envelope. She said that was the first time that a false allegation had been made against her to ACS. She said she was going to find out whether the letter was a fake or not but did not get the chance to.

Respondent Salmons remembered being interviewed by Connolly about the ACS matter on June 15, 2009. (DX 4 and DX 5 are the transcript and audio recording, respectively, of this second official Department interview.) She said she was represented by counsel, satisfied with the representation, and did her best to answer the questions truthfully. She said she was going to go to Family Court on the same day she was summoned by Schiff, but she did not make it there. She did not recall what she told Connolly, saying, “It’s too many cases.”

⁹ The parties stipulated to a 21-minute phone call that took place between Respondent Salmons and [REDACTED] at 2045 hours on July 22, 2007.

Respondent Salmons agreed that on June 26, 2008, ACS representatives went to her house and she was informed of the details surrounding the letter she received. She said she did not notify the Department because she wasn't arrested, her children were not taken away from her and she was told that "it was going to be unfounded." She said there were two or three subsequent allegations, which she notified the Department of, and which were unfounded.

FINDINGS AND ANALYSIS

Disciplinary Case No. 83230/07

Under Specification No. 1 Respondent Carr is charged with slapping Respondent Salmons. Basically this is a one-on-one situation. [REDACTED] did not testify, and according to Respondent Salmons, he left the area of the front door before she was slapped. Thus this is a case in which the Court must decide the facts based on an assessment of the credibility of these two people; Respondent Salmons or Respondent Carr.

Respondent Carr pled guilty to having made a number of serious and substantial false statements in regard to the events in this case. He has admitted that he lied when he told investigators that he did not go to Respondent Salmons' home on July 22, 2007, at about 1400 hours. He lied when he provided an alibi and alibi witness. He lied to IAB when he anonymously told an investigator that Respondent Salmons and her boyfriend were dealing drugs and that he knew of a situation in which someone had been shortchanged by [REDACTED] and had a gun pointed at him and was told that he was protected by his girlfriend, a cop. He also admitted that he lied at his official Department interview

when he told his questioners that he did not make the anonymous call to IAB and when he finally admitted making the call, he denied saying things that he said in the call.

Respondent Carr essentially testified that these lies were an aberration and that he is telling the truth about the slaps. In essence, he is an admitted liar who says he is, in this instance, telling the truth, giving rise to the classic conundrum, how does one know?

It is not just the fact that Respondent Carr lied that undermines his credibility, it is the persistence of his untruthfulness that raises doubt about his ability or willingness to tell the truth when he is not compelled to do so. This is best understood by listening to the audio recordings of his two official Department interviews.

Respondent Carr's first session started at about midnight and lasted about 45 minutes. This interview is replete with lies about a non-existent incident the night before at a movie theater parking lot in which he claimed to have met Respondent Salmons and [REDACTED] There was or was not pushing in this incident depending upon which version of this fabrication he was presenting.

He talked about his first alleged encounter with [REDACTED]. He said he saw him coming down the stairs of Respondent Salmons' home. In his first iteration of this event, he said he never asked Respondent Salmons about him. Then Respondent Carr claimed Respondent Salmons said he was some guy selling drugs in the area. He claimed to have no further questions of Respondent Salmons about this drug dealer coming down her stairs. This allegedly occurred the day the tires of his car were slashed. While it is undisputed that his tires were slashed, there is no connection between the two events other than by implication. Then we learn that the event occurred April 2006, more than a

year before the current incident. This raises some basic questions such as how he knew the person he saw this one time was, in fact, [REDACTED].

The questioning moved on to the telephone call to IAB. It was established in the questioning that Respondent Carr had previously denied that he made the call but having been confronted with the audio recording, he had admitted to making it. Yet even after his attorney told him to "tell them exactly what you said because they already know what you said," Respondent Carr proceeded to deny what he said in the phone call, insisting at one point that he only made the allegations on the phone call "to some extent."

He insisted, for example, that he did not accuse Respondent Salmons of selling drugs, which he had done. He denied mentioning sale of drugs out of the kitchen window, which he had done, and went on to discuss how it would not have been possible to sell drugs from her kitchen window. He denied mentioning crack, which he had done. He claimed he could not remember, even though the call was made by him only a few hours earlier. Throughout this interview he only gave up small points of fact after many questions, and even then, sometimes he denied saying what he said.

After this session ended, Respondent Salmons' second interview was conducted and then the investigators went back to Respondent Carr, starting a little after 0300 hours. That interview, which lasted about 25 minutes, is even more astonishing than the first. He again gave his elaborate and false story about the meeting in the movie theater parking lot the night before. He lied about a person, Leticia, being with him at some point. He denied seeing [REDACTED] wear his pants. He denied leaving anything but a tie at Respondent Salmons' house. When confronted with the fact that the questioners had heard his voice on Respondent Salmons' voicemail complaining about [REDACTED] wearing his

pants, he continued to prevaricate; he denied being at Respondent Salmons' house, he denied knowing about pants, he attempted to divert the discussion by talking about a pair of red pants he claimed to have given Respondent Salmons, he did everything to avoid admitting the truth.

Even after a break to speak with his attorney, he only returned with another elaborate fabrication about having heard about the new boyfriend [REDACTED] wearing his pants from Respondent Salmons' daughter and having brought her balloons several days earlier. In fact, in the entire interview, he never admitted the truth, that he came with the balloons on July 22, 2007 and saw [REDACTED] in a pair of pajama pants that said "number one dad."

Respondent Carr has argued that he has now admitted to everything he did and only denied the slapping because he did not do it. That might makes some sense with other people but when one reviews Respondent Carr's behavior, a different pattern emerges. Respondent Carr admitted only to what he had to admit to; things that could be independently proven. Even then, he did not admit to nearly everything. This pattern appears to be true of his admission at trial. The slap is basically the only thing that cannot be independently established and he has denied it. Moreover, he has provided a range of other stories about Respondent Salmons' alleged mistreatment of him.

While there are substantial reasons to doubt Respondent Carr's version of events, the situation is quite different regarding Respondent Salmons' version. There is no indication that Respondent Salmons has a history of lying. She repeated her claim about the slaps over and over with no inconsistency despite some very tough questioning at her

official Department interview, (a matter that will be discussed in more detail later in this decision).

There are other reasons to believe Respondent Salmons' account of this slapping incident. The first is that she called 911 immediately. Another is that her story makes sense and has the ring of truth. She did not embellish, as someone whose purpose was to get Respondent Carr in trouble might have done. She did not allege any injury. She did not allege any threat, although she expressed concern for the safety of herself and her children because she knew Respondent Carr always carried his gun.

One other matter or more correctly, set of matters, came up and could be said to have some bearing on the credibility of Respondent Carr and Respondent Salmons, and that is the history of their relationship. If the trial were solely about the slapping incident, these matters would have been considered collateral and would not even have come into evidence. However, in his mitigation testimony, Respondent Carr brought up these issues in an effort to explain his state of mind. Consequently, some mention is appropriate in the assessment of credibility.

Respondent Carr testified that he had a turbulent relationship with Respondent Salmons. He claimed that she told him that he had gotten her pregnant on three occasions in April 2006, in June 2006 and May 2007. He claimed she [REDACTED] the first and third of these and [REDACTED] the second. He claimed that she sent him a text message and a sonogram picture of the last fetus. The message he said was that she was on her way to the [REDACTED]. He said she pressured him to marry her. He said they discussed buying an engagement ring. Respondent Salmons denied all of these things.

In an effort to rebut Respondent Salmons' testimony, Respondent Carr produced what he claims are text messages sent by her in October and November 2005 about buying an engagement ring. He also produced a receipt for an engagement ring that he had put \$100 down on but never actually purchased.

The problem with this alleged corroboration is that it still relies on Respondent Carr's honesty. Respondent Carr acknowledged that harassing text messages were sent by him to Respondent Salmons in January 2008. These text messages, that are the subject of a specification against him, were sent in such a way that it not only concealed him as the sender, but made it appear that she had sent them to herself. Respondent Carr, who had been told by Department investigators not to contact Respondent Salmons, had composed these text messages largely in the third person so that it would not be apparent that he was the author, yet he denied doing anything to conceal his identity and said he was surprised to learn that the text messages came up without his identifying information.

Whatever one may think about the credibility of that claimed surprise, it is clear that Respondent Carr knows how to manipulate text messages. Consequently, these 2005 text messages rely on Respondent Carr's credibility and do not stand as independent evidence.

On the other side of this matter of the relationship, Respondent Salmons claimed that she broke off with Respondent Carr and told him to stay away from her. In this instance there is very strong corroboration of Respondent Salmons' claim. Respondent Salmons reported the problem of Respondent Carr's harassment to her ICO and he documented her concerns in a report dated June 8, 2007, a few weeks before this incident (see, Salmons RX A). Thus while there is absolutely no independent evidence to support

any of the claims made by Respondent Carr, there is a written report documenting Respondent Salmons claim that he was making unwanted advances towards her.

There is another interesting difference in the testimony of Respondent Salmons and Respondent Carr. [REDACTED] came to the door wearing pants that said "number one dad." Seeing [REDACTED] in these pants apparently touched off the situation leading to the alleged slaps. Respondent Carr claims these were his pants. Respondent Salmons testified these were a Father's Day gift from Respondent Carr which was given to her in 2006. She explained the writing on the pants as meaning that she was, as a single mother, both mother and father to her daughters. Respondent Carr who apparently has no children offered no explanation for the writing on the pants. A small point, perhaps, but once again Respondent Carr makes no sense and Respondent Salmons does.

Respondent Carr also offered opinion evidence from a [REDACTED], Dr. Bardey. This testimony in which the [REDACTED] asserted that Respondent Carr was now being truthful was admitted only on the issue of his mitigation. It would not normally be allowed in a trial of the slapping incident as it would constitute bolstering. Bardey's testimony will, of course, be considered in discussion of an appropriate penalty for Respondent Carr. However, because such testimony has come before the Court, some comment seems appropriate.

Bardey's opinion evidence is not reliable because it is based on his conclusion that Respondent Carr was telling him the truth. He did not examine Respondent Salmons or review any contradictory evidence. He essentially stated that in his judgment Respondent Carr was telling the truth about his relationship and based on that he

concluded that Respondent Carr will no longer lie. This is a form of circular reasoning. It also indicates that the foundation upon which his conclusion is based is faulty.

There is one other issue. Much was made during Respondent Salmons' official Department interview of the fact that Respondent Carr is right handed and she was slapped on the right side of her face. At trial Respondent Carr asserted that he always wears a large ring on his right hand which would presumably have left marks had he hit her with that hand.

Respondent Salmons repeatedly said she does not know which hand he hit her with. The assumption that a right-handed person will slap, under these circumstances, with his right hand, is just that: an assumption. It is well known that people who favor one hand have varying degrees of ability and dexterity with their other hand. Respondent Carr admits that he was acting very impulsively that day. Respondent Salmons described the slaps as happening very quickly. Under those circumstances there is simply no reason not to believe that he used his left hand to hit the right side of Respondent Salmons' face.

This Court finds Respondent Salmons credible and that the Department has met its burden of proof with regard to this specification. Respondent Carr is found Guilty of Specification No. 1.

Disciplinary Case No. 83219/07

Under Specification No 2, Respondent Salmons is charged with having impeded an official Department investigation, "by stating that she had no conversation with her boyfriend on July 23, 2007 regarding an incident which occurred on July 22, 2007 at said Police Officer Salmon's residence when, in fact, she had."

As noted earlier, there were two interviews of Respondent Salmon. The event referred to occurred during the initial interview which commenced at about 2230 hours and ended near midnight on July 22, 2007. While that interview started calmly enough, it degenerated into one that is simple not up to the standards of this Department. It ended with Respondent Salmons being suspended in the middle of a shouting match involving the investigators and the attorney representing her.

It is obvious that the interviewers had determined that Respondent Carr's claims were true and that Respondent Salmons was a liar. She was not told that she was potentially the subject of charges that she was associating with a criminal. She was not told that she was potentially the subject of charges that she was a drug dealer. She was only told that they were investigating her complaint about being slapped by another MOS.⁹

In a room full of people, including four sergeants, two lieutenants and a deputy inspector, she was questioned by multiple interrogators. She was made to repeat her story of being slapped over and over. In spite of the fact that every repetition of the events was the same, she was accused of being inconsistent. She was shouted at. She was essentially called a liar, repeatedly. Efforts by her attorney to object were overruled and/or shouted down.¹⁰

⁹ On the date of occurrence, July 22, 2007, this incident did not qualify as a domestic violence incident, it would be considered domestic violence today.

¹⁰This is in marked contrast to the two interviews with Respondent Carr conducted during that same period of time. The questioning of Respondent Carr was mostly calm and slow paced. The questioner is polite, even when it is absolutely clear that Respondent Carr is lying. There are a few places where out of frustration that they have been at it for 13 hours (because of Respondent Carr's lies), that there was some rising of the questioner's voice, but it is a very small part of the interview. The questioner even said at one point that he was sorry to have to ask Respondent Carr again about something. This repeat question, of course, was the result of Respondent Carr's obstinate lying. Respondent Carr's attorney was allowed to state objections and they were heeded.

This Court will leave to others whether it is appropriate to treat a criminal in this fashion, but Respondent Salmons was not a criminal but a MOS and a victim of physical violence.

It is clear that, at the time of this interview, the investigators had accepted Respondent Carr's claim that he had not even been at her house. Thus the investigators even told her she was lying when she said that Respondent Carr had been there. They told her that they had video and other evidence of him being elsewhere at the time. Of course they were wrong, Respondent Carr lied and they had no such evidence because it could not and did not exist. Certainly Respondent Salmons must have been greatly dismayed to be told she was lying when we know she was telling the truth.

They asked her questions about what she and [REDACTED] did the night before, when in fact nothing had happened that evening that should have concerned the investigators. She, of course, had no way of knowing that they were asking question based on a completely fabricated encounter Respondent Carr claimed occurred that night.¹¹

Respondent Salmons testified that she was confused about the questions regarding her communication with [REDACTED] and thought they referred to discussions she might have had with [REDACTED] about her complaint that Respondent Carr slapped her. This actually makes sense in terms of the first questions asked to her about communication with Jones which related to the moments after the slapping incident. Her statement that she spoke to him for a minute is a little less easy to accept as a simple mistake because the conversation they had on the phone lasted about 20 minutes. But given the utter chaos in the questioning it is certainly well within the range of possibility that she was very

¹¹ The investigators believed this fictitious incident had actually occurred because, hours later, at the end of Respondent Salmons' second official Department interview, her failure to report this "unusual occurrence" was given as one of the reasons for her suspension from duty.

nervous and very confused. Her alleged admission that she told a lie is ludicrous, as it is not clear what she was admitting to, and when her attorney tried to clarify this, he was shouted down.

In any event, Respondent Salmons promptly corrected herself about the conversation she had with [REDACTED] after his interview. She was in the process of answering a question about the substance of that conversation when the argument broke out over whether she could summarize the call or was to be required to give a word for word account of it.¹²

It is worth noting that there was nothing inappropriate in Respondent Salmons talking to [REDACTED], who it must be stressed, came to the precinct voluntarily, who did not claim to see the slapping but did support Respondent Salmons' testimony that Respondent Carr was at her house. Text messages they sent to each other, that were read by the investigators who were in possession of her confiscated personal cell phone, were nothing more than statements that they missed each other. This is hardly surprising since they were separated for many hours at the precinct.

To suggest that Respondent Salmons impeded this investigation stands logic on its head. When asked how Respondent Salmons impeded the investigation, Hunter stated that it prevented the interrogators from going on to the next question. This is a clever

¹² The first interview with Respondent Salmons ended about an hour after it began. As noted Respondent Salmons was suspended at the end of that interview. The suspension appears to have occurred not because Respondent Salmons lied but because her attorney refused to allow her to answer the question as posed which required her to recite the conversation "exactly." Her attorney objected and said she could summarize the conversation but it was impossible to state exactly what was said in a conversation of that length. At 0230 hours another interview was conducted and in a very calm setting Respondent Salmons answered all questions put to her. She was not asked again about the conversation with [REDACTED]. At the end, in a calm manner she was told she was suspended for lying during an official Department interview, criminal association and failing to report an unusual incident the night before, which is not included in the current charges.

answer; but one lacking in substance.¹³ The investigators had nowhere to go with the investigation at that point because they believed a liar and rejected the statements of someone who was telling the truth.

On the other hand the investigation into Respondent Salmons' claim of aggravated harassment and being slapped by another MOS was not merely impeded, it was completely derailed. Respondent Carr was not arrested, nor does it appear that he was issued a summons for his actions. Respondent Salmons is found Not Guilty of Specification No. 2.¹⁴

In Specification No. 1, Respondent Salmons is charged with knowingly having associated "with a person reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities, in that said Police Officer Salmons maintained a 'dating' relationship with an individual known to the Department [Jones], while aware that said individual had been arrested and convicted of one or more drug-related offenses."

There is no question that Jones had a felony drug conviction in 1997 for which he served five years probation. He also appears to have a conviction for misdemeanor sale of marijuana in 2001 (see DX 3). The only question here is knowledge.

¹³ Hunter claimed the "impeding" lasted about ten minutes. A review of the audio recording of the interview shows that the actual time of any delay, including the arguing with Respondent Salmon's attorney, lasted about three minutes (see DX 2, digital recording @ 34:00 – 37:00).

¹⁴ There is one other issue that was raised in relation to this specification. Respondent Salmons' personal cell phone was confiscated by the desk sergeant to prevent her from communicating from other witnesses, presumably █████. This made sense, however, that cell phone was turned over to the investigators who, apparently without warrant or consent, examined the contents of that phone. This examination led to the question about the 20-minute phone call. Her text messages were also read. The issue of suppression of evidence in administrative tribunals is not as rigorous as that found in criminal law, but it is not non-existent. It is unnecessary to address this issue in light of this Court's findings of fact, but it is certainly conduct that merits review.

Respondent Salmons testified that she did not know about [REDACTED]' criminal history. She said that he had told her that his only involvement with the law was when he was a juvenile, which would have been more than 15 years earlier and would not have been a criminal matter given his age at the time.

The Department's case, that she actually knew about this criminal history, is based, incredibly enough, on testimony from Respondent Carr. Respondent Carr testified that there was a day when his tires were slashed in front of Respondent Carr's residence. He said, "There was a gentleman leaving her residence. As I was approaching, I asked her who was that as he passed by and she stated that that was some drug dealer she told to get away from her door." He said he later learned this person was [REDACTED]. In its closing argument, the Department, which takes the position that Respondent Carr is lying about the slap, suggests that this testimony is somehow credible. This makes no sense and the Department offered no suggestion as to how one knows when Respondent Carr is telling the truth as opposed to lying.

The only way this Court would accept Respondent Carr's testimony is with substantial and reliable corroboration. There is, in this instance, no independent corroboration of this event, not even the report of the slashed tires with perhaps the mention of such a suspicious person, was offered in evidence.

At trial, Respondent Carr placed the date of this incident as being approximately October 2006. At his official Department interview on July 23, 2007, Respondent Carr placed the events as having happened in April 2006, a full six months earlier.

Even if this story were true, given the fleeting nature of the alleged sighting of [REDACTED] it is not entirely clear that identification was accurate and certainly the passage of

time from April 2006 to July 2007 or October 2006 to July 2007, depending on which version of the story one believes, renders such identification even more unlikely.

The Department, through its questioning of Respondent Salmons, seemed to indicate that because of the close nature of their relationship Respondent Salmons had to have discussed [REDACTED]' criminal history with him. Whether people in a dating relationship, turn naturally to discussions of their respective criminal histories, is something which, again, this Court leaves to others. The fact is Respondent Salmons did testify that they discussed [REDACTED] history. He told her, she testified, that he had a prior juvenile matter which, given his current age, had happened many years ago. She also knew that juvenile matters are generally not criminal so she reasonably believed that Jones had no criminal record.

Hunter testified that during the interview conducted with [REDACTED] on July 22, 2007, [REDACTED] said something very similar about his criminal history before being confronted with his criminal record. As Hunter put it; "He said he was arrested for marijuana and he pretended it was like a joint."

In both instances, [REDACTED] denied and minimized his criminal record. He only acknowledged it when confronted with his criminal record. Respondent Salmons had no way of obtaining [REDACTED]' official criminal record and indeed would have been subject to Departmental charges had she attempted, either directly or indirectly, to obtain it. It is quite easy therefore to accept that Respondent Salmons did not know of [REDACTED]' criminal history and had no way of finding out about it.

Respondent Salmons is found Not Guilty of Specification No. 1.

Disciplinary Case No. 85302/09

The sole specification in this case charges Respondent Salmons with "having become aware of an investigation concerning an allegation of misconduct" against her by ACS, and that she "wrongfully did fail and neglect to inform the Internal Affairs Bureau, Command Center, or otherwise to notify the Department, as required."

It is not in dispute that Respondent Salmons' command became aware of an anonymous allegation of child abuse against her. On June 27, 2008, a day she was not on duty, she was ordered to the 61 Precinct with her children and she complied immediately taking her children directly from the beach. At the precinct she met and spoke with Captain Schiff. Her children were taken to [REDACTED] Hospital where they were examined and returned to her. The allegation of abuse was unfounded.

Respondent Salmons acknowledged at trial and at her official Department interview, (see DX 5) that she had received a notice from ACS several days before she was called in to the precinct. That notice was presented to the Court by the Assistant Department Advocate and there is no evidence that it stated that she was under investigation merely that someone wanted to speak with her.

At the official Department interview, she said she did not believe it was real and wanted to go to Family Court to verify it. She also acknowledged both at the interview and at trial, that she spoke to someone from ACS about the child abuse allegation. At trial she said this happened the day before she was called into the precinct.

At the official Department interview, she said she was unaware that she had to report this type of matter and she was told that she had to. At trial, Respondent Salmons testified that she was later the subject of additional anonymous and false child abuse

allegations and that she reported each one as required. She also indicated that she learned the source of these allegations was the father of her child who was engaged in a bitter custody dispute with her and that she has received an order of protection against this person.

Considering the totality of the circumstances in this specification as well as the totality of the circumstances in this entire case it is recommended that this specification be Dismissed.

RECOMMENDATION AS TO SALMONS

Respondent Salmons was suspended without pay for 36 days. This Court has been asked in the past to make a recommendation as to how to address the issue of pre-trial suspension where the charges have not been sustained and thus will do so here.

Respondent Salmons was initially suspended for allegedly refusing to answer a question after a dispute broke out between her attorney and the investigator. That question was never pursued when her official Department interview recommenced several hours later. At the end of that second session she was told she was being suspended for three things: Lying at her official Department interview, criminal association and failing to report an unusual incident the night before.

She has been found Not Guilty of the first two. The third alleged reason for the suspension, failing to report an incident the night before, never occurred because there was no incident the night before. This allegation was based on another false claim by Respondent Carr.

When all of the evidence is considered, there is no indication that Respondent Salmons did anything wrong in relation to the events of July 22, 2007, and certainly nothing that would have justified her suspension. Indeed, her handling of the incident was without fault; she called 911 immediately and asked for the assistance of the Department in dealing with a physical altercation involving another MOS.

It is therefore recommended that Respondent Salmons be restored the 36 pre-trial suspension days she has served.

PENALTY AS TO CARR

Respondent Carr has been found Guilty of slapping Respondent Salmons in the face two times. He has also pled guilty to making a false report to IAB, denying that he made such a call at his official Department interview, falsely denying that he was present at Respondent Salmons' home during his official Department interview, and sending text messages to Respondent Salmons which were intended to cause annoyance or alarm.

Perhaps the best way to analyze the appropriate penalty in this case is to first consider only the misconduct to which Respondent Carr has pled guilty. He has expressed remorse for these acts and both he and his expert witness, Bardey, assure this Department that it will never happen again.

Sometimes an apology is simply not enough. Sometimes the conduct is so egregious that the Respondent must be separated from the service. It is the view of this Court that the acts involved in these specifications are of that magnitude of seriousness.

The Respondent Carr manipulated the Department's internal investigative function and perverted it into a weapon he used against another officer, Respondent

Salmons. He lied, not once, but repeatedly. He forced a team of investigators to work for hours trying to sort out the facts while he denied even the most clearly established facts. He created a situation of danger for Respondent Salmons, [REDACTED] and fellow officers who might have been sent out to investigate his claim that Respondent Salmons and [REDACTED] were armed drug dealers.

Even if one were to take Bardey's opinion testimony at face value, that does not undo the serious wrong committed by Respondent Carr. One might say that we are happy that he now has the self-awareness necessary to prevent a recurrence and wish him well in his future endeavors.

But there is more to this case than what the Respondent has admitted to. As noted by this Court earlier in this decision, the Court does not find Bardey's testimony persuasive. This Court finds that there is ample reason to believe that the Respondent lied at this trial and in connection with that finding, this Court found Respondent Carr guilty of slapping Respondent Salmons.

The Court finds there are specific reasons to doubt Bardey's conclusion that Respondent Carr acted out because of his tortured relationship with Respondent Salmons. Respondent Carr did not call IAB directly after the incident with the pants that so upset him. He called IAB from the vicinity of the 67 Precinct after he was made the subject of the slapping complaint. He gave a very detailed, well crafted and utterly false story.

Months after the interviews and his suspension, and after he had been ordered to stay away from Respondent Salmons, he sent her two harassing text messages that were written in a manner that was clearly intended to disguise his involvement and which appeared to come from a phone other than his own. Bardey did not know about the

charges related to this incident when he wrote his report and made his conclusions. This Court finds that to be another significant omission in Bardey's work on this matter.

Bardey's conclusions that Respondent Carr was telling the truth when he interviewed him, that he is telling the truth now and that he can resume the full responsibilities of a police officer are without merit.

Further evidence that Respondent Carr was dissembling at this trial, if such is needed, is found in some of the answers he gave during his testimony at this trial. To cite one example, when asked why he continued to deny being at Respondent Salmons' house, he responded, "I didn't want to have to live with the embarrassment of the pants. I tried to hide from that. It's embarrassing to talk about it now in this room. It's embarrassing. I didn't want to bring that up. I didn't want to bring that up because it was embarrassing for me. I didn't want to have to explain this and that about the pants, especially the pajama pants."

While this answer sounds plausible standing by itself, it does not measure up when compared to what happened at the official Department interview. At some point after much questioning, he conceded that he knew about [REDACTED] wearing "his" pajama pants but he continued to lie. He claimed the knowledge came several days earlier from one of Respondent Salmons' daughters who he said told him that Respondent Salmons' new boyfriend was wearing his pants.

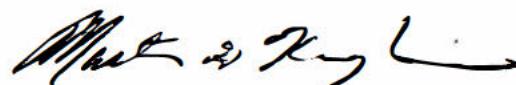
Thus, well after all the investigators in the room knew he knew about the pajama pants, he continued to lie and, indeed, to invent a whole new false story involving Respondent Salmons' young child. It is clear that he was not being candid with this Court when he said he lied to avoid embarrassment. He obviously lied to avoid

responsibility for his act. His testimony before this Court was untrue and he is still making excuses for his inexcusable conduct.

Considering all the evidence in this case it is clear that Respondent Carr can no longer serve as a police officer. There is simply no way this Department, or the public it serves, could rely on Respondent Carr to provide honest and truthful testimony in criminal cases or other proceedings should he be called upon to do so. Because of his intentional misconduct, the harm he did to the Department and to Respondent Salmons, there is no other appropriate penalty but dismissal.

For these reasons the Court recommends that Respondent Carr be DISMISSED from the New York City Police Department.

Respectfully Submitted,

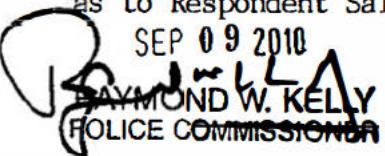


Martin G. Karopkin
Deputy Commissioner – Trials

APPROVED

as to Respondent Salmons

SEP 09 2010

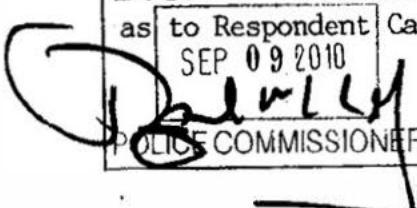


RAYMOND W. KELLY
POLICE COMMISSIONER

DISAPPROVED

as to Respondent Carr

SEP 09 2010



RAYMOND W. KELLY
POLICE COMMISSIONER

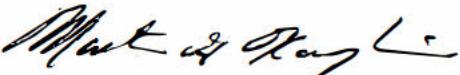
POLICE DEPARTMENT
CITY OF NEW YORK

From: Deputy Commissioner – Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER DARRYL CARR
TAX REGISTRY NO. 933558
DISCIPLINARY CASE NO. 83230/07

In 2009, the Respondent received an overall rating of 3.0 "Competent" on his annual performance evaluation. He received a rating of 4.0 "Highly Competent" in 2007 and 2008. [REDACTED]

[REDACTED]. Based on his overall record, he was placed on Level-II Discipline Monitoring in September 2007. The Respondent has no prior formal disciplinary record.

For your consideration.



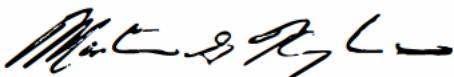
Martin G. Karopkin
Deputy Commissioner Trials

POLICE DEPARTMENT
CITY OF NEW YORK

From: Deputy Commissioner – Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER CHARLENE SALMONS
TAX REGISTRY NO. 907248
DISCIPLINARY CASE NOS. 83219/07 & 85302/09

In 2009, the Respondent received an overall rating of 3.5 “Highly Competent/Competent” on her annual performance evaluation. She received a rating of 4.0 “Highly Competent” in 2007 and 2008. In her 16 years of service, the [REDACTED] [REDACTED]. She was carried as [REDACTED] [REDACTED]. Based on her overall record, she was placed on Level-II Discipline Monitoring in October 2007. The Respondent has no prior formal disciplinary record.

For your consideration.



Martin G. Karopkin
Deputy Commissioner – Trials